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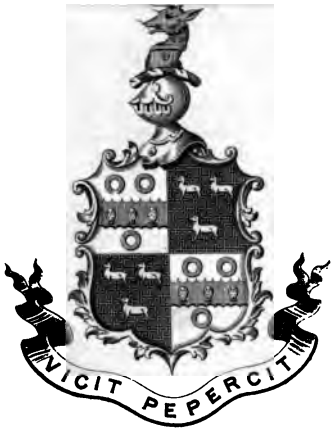

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TRIBUTES

TO THE MEMORY OF

SHERMAN HOAR

TRIBUTES OF THE BAR

AND OF THE

CIRCUIT COURT OF THE UNITED STATES

To the Memory of

SHERMAN HOAR

With the regards of

Samuel Hoar

BOSTON
GEO. H. ELLIS, PRINTER, 272 CONGRESS STREET
1899

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MAR 16 1961

SHERMAN HOAR

Born July 30, 1860
Died October 7, 1898

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and his country. He felt that he had a duty to perform in behalf of good government and honest dealing in political life. He wished continually to be in action; and, like his ancestors, he volunteered without hesitation to take his place at the "Concord Bridges" of his day.

In college he attained high rank, and he took the Boylston Prize for oratory in his Senior year.

In the Law School he made it evident, not only to his teachers, but to his classmates, that he was in earnest, and that he gave the full power of his mind to the study of his chosen profession.

In both, his high spirits and keen and kindly wit, his good fellowship and natural manliness of thought and bearing, secured for him the unvarying respect and lasting affection of all who knew him. He was in the very best sense a popular man at all times and with all classes, and became more so as he grew older.

On leaving the Law School and entering the bar, his character and his promise were quickly recognized. His executive ability was marked. He had an inherited aptitude for the law, his perceptions were keen, he was not afraid of hard work, and his uprightness was innate.

His independence of thought was as conspicuous in his religious faith as in his politics. In both, his opinions were not family or party heirlooms, to be

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ing his service in Congress he showed the capacity of thinking for himself, and the same political honesty, courage, and skill in judging his associates and the issues before Congress which he had shown in his campaign for election.

He was religious in the best and purest sense. He believed that each individual had a duty to his fellow men, and that individual capacity was given in trust for the accomplishment of this duty. Believing that each should do the best he could according to his light and strength, he was tolerant of every man with honest beliefs. For himself, he devoted his best energies to the work of the Unitarian Church. He firmly believed that "it is not all of life to live, nor all of death to die."

His professional ability was best shown by his notable services to the government as United States Attorney, and particularly in the long and harassing trial of Bram. In that case the ripened traits of his character were shown in their full strength, in the careful research and keen judgment of facts in preparation, in the power of winning the confidence and judging the capacities of other men, the grasp of the salient and telling points at the trial and skill in bringing them out, and in the final marshalling of the dramatic facts in his eloquent summing up to the jury.

Upon leaving the office of United States At-

torney and resuming his private practice, he might well have thought that he had performed for a time his whole duty to the public; but he soon heard a new call of human suffering and need, and he answered at the cost of his life.

Eager as he was to serve his country with the army, when the opportunity came, he did not feel free to accept it, but declined it only to throw himself with his characteristic vigor into a service which involved a deliberate risk of self for others, without the rewards or incitements of military glory. There was work to be done in equipping and caring for the soldiers, there was great suffering among the sick which could be allayed; and he felt that he could help. He gave his time, his energies, his strength, his money, and his life to this object. He visited the sick, and gave them comfort and assistance. He spent months of constant toil, travelling in the extreme heat of the summer to visit the hospitals; and he came back to his home only to die of exhaustion and fever.

The name of such a man honors our rolls. His character, his civic courage, his generous giving of self, his spirit and integrity, his patriotism, his love of country, and his faith in man we record with pride, and yet with profound sorrow that qualities like these were not spared longer to the bar and to the State.

Be it *Resolved*, That this memorial be made a part of the records of the Bar Association, and that copies be presented to the Circuit Court of the United States for the District of Massachusetts and to his family.

CHARLES P. GREENOUGH.
MOORFIELD STOREY.
H. E. WARNER.
FREDERICK P. CABOT.
FELIX RACKEMANN.

In February, 1897, Mr. President, Mr. Hoar delivered an address in Buffalo before the Saturn Club upon the subject of American courage. After giving various instances of marked bravery in time of war, he then defined what he called civic courage, to which reference has been made in the memorial; and, in defining and describing instances of civic courage in others, he used such apt and truthful words and gave so clear a description of his own character that I ask your permission to read a few words from that address.

Speaking of civic courage, he says: —

"Civic courage, no less than military courage, must be an American quality if this fair land is to be all that it should be. Civic courage does not excite the human mind nor appeal to the human imagination as does courage shown in battle. The

offer of life itself for a cause makes man wonder and praise. Death on the cross, at the stake, and on the field of battle, will forever make worshippers of men. Such deaths are and must be forever blessed. But is death or the willingness to die all that is needed to make or save a nation, a cause, or a religion? Is not living well as essential as dying well? And is it not often harder? I believe that this nation of ours needs, more than anything else, citizens who are willing not only to die for her, but to live for her honorably and bravely through whatever loss, misunderstanding, abuse, and temporary obloquy may be their lot; and that as high, if no higher, courage may be shown in such living as in the giving up of life itself in her name."

At the proper time, Mr. President, I will move that these resolutions be accepted and made a part of the record.

Remarks of Causten Browne, Esq.

Mr. President and Brethren,— In the presence of so many of our Brother Hoar's contemporaries, intimate personal and professional friends, men who have lived side by side with him, who have known him as no other men could know him, have loved him with an affection such as could only grow out of that intimate intercourse, I hardly feel that I have any right to ask you to listen to me. It is their day. They are the men whom you want to hear. Nevertheless, in deference to the wish of the Committee, and remembering the never-failing kindness of the bar, I will say a few words; and they shall be not in the way of any account of the powers and accomplishments which he exhibited at the bar, nor even of any general portraiture of the man as he seemed to me, but regarding him from a single — and to my mind interesting and significant — point of view.

Every man of mark has some dominant moral quality which is the key-note of his life, and gives color and direction to all his conduct. In thinking about the character and career of Sherman Hoar, with a view to this meeting of his professional

brethren, I have sought to find this dominant moral quality; and I submit to you that it was his quick, strong, and fearless sense of duty. There is nothing in man finer than this. Intellectual power, force of will, energy in action,—all these take a second place. He had all these in high degree. But a quick, strong, and fearless sense of duty ruled them all.

It is not often given to man, in the course of a life so short as his, to exhibit this high quality under so many different conditions. I have found it very interesting to trace its working through the whole of his short but brilliant and most honorable career.

As to his professional life, we naturally and very properly take as its highest illustration his services to the national government in the office of the Attorney of the United States for this district. I speak in the presence of those who knew him well in this office, and believe that I may safely appeal to them to confirm my judgment that his discharge of its functions was marked not only by ample ability and the ample fruit of diligent study, but conspicuously by that quick, strong, and fearless sense of duty, without which the responsibilities of that high office cannot be surely and steadily discharged.

While he was a very young man, he was con-

fronted with a question of public duty such as may well try, and indeed has often tried, the moral quality of many an honest and patriotic man. Born and bred in the allegiance of one of the great political parties of the nation, saturated with its traditions, already entitled to claim a place among its most honored sons, he openly, frankly, and unreservedly joined himself to the other. Nobody who knew him could have the slightest doubt that this step, so momentous for himself, so sure to affect the future of his public life, and so very likely to affect it unfavorably, so sure to grieve and disappoint those whom he most loved and honored, and so very likely to expose him to suggestions of mean motives, intolerable to a proud and sensitive nature, was taken in obedience only to a deep and irresistible sense of duty. Seeing that duty clearly, he simply said, "Here I stand: I can no other."

Once more, and for the last time, he was allowed the high privilege of testing the power of his sense of duty. This time he put his life at stake. When he left his home last summer and went in among the sufferers in fever-stricken camps to do what he could for their relief, doubtless he knew that he was risking his life. He was too intelligent a man not to know that. It was while we were enjoying our rest or play, getting as far away as we could from the terrible heat, reading in the

newspapers the accounts of the suffering of our soldiers, and pitying them most sincerely and praising most heartily the good men and women who were trying to help them, that Sherman Hoar said to himself, "*I* have a duty to do here." And the sense of it struck so deep into his heart that he could not but go and do that duty. Away from his home, away from his wife and children, carrying his life in his hand, he went off to do what he believed it was his duty to do. And so ended this rich young life, so full of happiness and activity, and hope and promise and honor.

We had a right to expect much from it. We cannot name a man of the bar for whom a distinguished professional career could have been more confidently predicted, nor a man whose professional success would have been more surely attended always by the respect and trust and affection of his brethren.

We must needs mourn his death as untimely. And yet we feel proud of it,— proud that it was *one of us* that gave his life for the service of suffering men. And we believe that such examples of true heroism "blossom in the dust" and bear fruit in the lives of other men,— lives made more generous and more noble for the very memory of such a death as this man died.

Remarks of Moorfield Storey, Esq.

An inherited friendship made me acquainted with Sherman Hoar while he was still a child, and for the last ten years I have known him intimately. From child to man, at every period of his life, his was a nature which won affection, while it inspired confidence and commanded respect. I had lost sight of him for some years during his college course; and I well remember the surprise and delight with which I recognized the boy of a few years before in the dignified, earnest, handsome, and singularly winning youth who, as a candidate for the Boylston Prize, captivated my associate judge and myself by his declamation of a passage from an anti-slavery speech of Wendell Phillips. He seemed to stand before us as an embodiment of the generous enthusiasm which inspired the young leaders in that battle for freedom in which his own family had borne so conspicuous a part, and he kindled in us again the spirit of the anti-slavery time. A few years later, when the campaign of 1884 made its appeal to high-minded youth, it was not strange that, following the example rather than the precept of his elders, he was true to his ideals,

and took an active part in the contest for a purer public life. What I saw of him then increased my confidence in his abilities and his character, and I was very glad when soon afterward he became my partner. From then until his death I watched him closely.

As a lawyer, he was at the threshold of his career. He had not the aptitude of a student for profound research or the keen analysis of conflicting decisions. His taste was for active life, and not for books. He loved to mingle with his kind, and into any professional employment which required him to deal with men he threw himself with genuine enthusiasm. In the early days of his practice he sometimes wished that he had chosen some calling which would have placed him in charge of some great manufactory with its thousands of workmen. He longed for activity, and chafed at the tedium of an office.

Once enlisted in a cause, however, his zeal and industry were unflagging. He was conspicuously fitted for the trial of cases before a jury by his strong common sense, his ability to grasp the vital points in the evidence, his sympathetic nature, which kept him in touch with his jury, his sense of humor, his transparent sincerity and earnestness, and a power of direct and effective statement which with years would have developed into eloquence.

He needed only opportunity; and, when this came, he showed in the long trial of Bram his great power as a jury lawyer. No one who heard his closing argument in that case doubted his future.

With his profession he inherited also a genuine public spirit and a natural instinct for public life. All the associations of his youth helped to foster this taste, and politics had for him an almost irresistible fascination. Sooner or later it was inevitable that this real passion would have mastered him, and it is not surprising that he was ready to accept the nomination for Congress when it came to him under circumstances which made acceptance seem a clear duty. His election at a time when his party was divided on the burning question of the currency plunged him at once into a stormy situation; but it was impossible for him to weigh the chances or consider his personal fortunes in such a case. He took his side at once with the minority, and helped by his influence and example to make that minority persist to the end. By opposing the winning candidate for Speaker, he insured for himself obscure positions on the committees of the House; but none the less he rendered effective service to the cause which he had at heart, and showed his wisdom, his courage, and his absolute independence under circumstances which tested all. The course of politics withdrew

him from Congress at the end of his term; but his fitness for office had been tried and proved, and was recognized throughout Massachusetts. Had he lived, his return to public life was sure.

As a man, he was absolutely true, strong, brave, and kind, full of vigor, and ready to help any good cause or go to any good war. There was about him one quality which is hard to describe. While he was not only frank, but free in expressing his opinions on questions which excited strong feeling, and though he often stated them bluntly and aggressively, he made no enemies. Men who differed with him widely always met him with pleasure, and bore no malice, however directly he controverted their views or encountered their prejudices. There was a simplicity and an essential sweetness and friendliness about him, an impossibility of rancor, an irrepressible buoyancy, which made us love him. His brightness and charm lightened our lives. In any emergency we felt that he had the courage, the capacity, and the will to help. He was a force in this community making for righteousness which we can ill spare, and his loss makes the world darker. It is hard to believe that a spirit so full of charm, of helpfulness, and of hope, has gone from among us. Coming, as it does, to lengthen the roll of young men, his associates at the bar and his fellow-workers in public

affairs,— Andrew, Russell, Butler, Hoar,— his death makes us realize more keenly how great a loss this Commonwealth has sustained in the premature loss of these young leaders; and that a bright chapter in her history is closed forever.

Remarks of Joseph B. Warner.

Mr. President,— It is seldom that the members of the bar select for their commemoration one so young as Sherman Hoar. The honors of our profession are associated with later years; for they are reached by protracted efforts, and must wait for slow recognition and uncertain opportunities. But we have met to-day, by a unanimous and unhesitating impulse, to pay our tribute to something greater than professional success, to recognize things which underlie all that makes our profession most honorable and useful,— a character of high purpose and an energy in public service.

Not that Sherman Hoar's work at the bar was not distinctly successful. It was acknowledged to be notably able, and, in at least one case, conspicuous for its power. But, at the most, we think of a lawyer at the age of thirty-eight as still a man of promise rather than achievement.

But, when we turn to his work in life, who can say that it was brief? It is his elders, rather, who are, most of them, immature, who often seem scarcely to have begun to live, and to be in risk of dying, old in years, but with the depths and heights of real living still untouched.

We try, at such a time as this, to fix a concrete image of the man whom we shall never see again by enumerating his traits and defining his characteristics. But how shall we ever represent, with sharp lines of outline, a nature whose essence was life,— abounding, growing, overflowing life? The more we limit, define, and discriminate, the farther we get from the expanding spirit which would not tolerate bounds, but broke out on every side into new energies, intent not on acquisition or self-perfection, but on reaching out to things in the great world around.

The main directing impulse of Sherman Hoar's nature was his passion to set wrong right. It was this which gave unity to his life and concentrated his force. It was far from that merely critical spirit which only increases the friction of life and makes effort more difficult, and far from that reforming temperament which keeps fussily nagging at the defects in people and things. The very opposite of fastidious, he was drawn toward men, tolerant of their failings, careless himself of mere niceties and dry scruples. It was by reason of this sympathy that he was deeply, quickly sensitive to wrong. But with this he had a buoyant confidence that he could do something to set the wrong right, a healthy impulse to act at once, and an enthusiasm which spread its contagion to every one at hand.

His opportunities were not at first beyond those which all may have. They grew out of every day's intercourse, the sight of every day's needs. Then, with an imagination big enough to take in large things as well as small, his interest broadened out from the nearer human relations to public affairs.

At the age of thirty he had successfully fought through a strenuous campaign, and had followed his father, a grandfather, and others of his kin into the Congress of the United States. It was characteristic that his superabundant vigor should have accomplished this as a preliminary exercise to steady application in his profession.

With the war came his call to the great effort of his life. It was for this supreme service that he had been preparing from childhood, as he brooded over the great deeds of men, his heart hot with stories of courage and poems of sacrifice and devotion, softened with pity for the wronged, and fierce with resolve to carry help. He had been steadily growing into the full spirit of knighthood, and he was ready. At the time when the attractions of success and money, and the burdens of family cares, usually have begun to contract the sympathies into prudent calculations and personal plans, his ingrained generosity and habit of outward look on things had kept fresh his youthful resolve to take, for his part in the world, service, and not wealth or comfort.

He was of course eager to go to the war. It was with difficulty that his friends, who saw what that sacrifice would mean, held him back, and constrained him to wait at least until he should be plainly needed. Disappointed in this, he threw himself into the work of the Soldiers' Aid, and gave himself to it with almost, if not quite, as complete an abandonment of his other business as if he had been with the army in the field.

Much of what he did in that work is fresh in your minds: it has just been recalled to you. With untiring energy, he attended to the endless details of the business in Boston, providing supplies, medical help, hospital provision, transportation, communicating with the men in the service and with anxious friends at home. He went from camp to camp, never sparing himself by day or night, his heart wrung with the sight of suffering which he could but partially relieve, and glowing with righteous wrath at incompetence and neglect.

All that he accomplished no one knew but the sick, weary, and dying men to whom he ministered in the hot and feverish camps, trains, and transports. A part of it is preserved in a record which, for heartfelt grief and gratitude, surpasses every tribute which resolutions, public meetings, monuments, or inscriptions could offer. I mean the letters which have poured in since his death from the

men whom he helped, and the friends of those who can never speak again for themselves, save as they may be speaking now, face to face, with him.

One such letter describes an act which I must mention, it is so characteristic of his quickness in resource, and of the way in which he drew others into service with himself.

A transport with sick troops arrived off Fortress Monroe: there was delay in landing, and no food. The military authorities could do nothing but let the men wait and suffer. Sherman Hoar, moving about on his untiring search for Massachusetts men to help, arrived, and put off to the ship. He took in the situation, hurried ashore, and went straight to the Hampton Institute. There he appealed to the assembled students, the Indians and negroes, pictured to them the distress of the men, and asked how many would give up a meal or two that the soldiers of the United States might be fed. The response was quick and full. The troops were fed, and every Indian and negro was a little higher in his own respect for Sherman Hoar's appeal.

There was an old belief — and it holds us still, as it held the Greek and Roman poets — that there are some youth in whom the gods delighted. They are not favored always with the greatest gifts of genius, nor loaded with success or riches; but they

are touched with grace, they are always young, quick to love and to be loved, ready with laughter and ready with tears, near to those about them, and always brimming over with life.

Such, in a great degree, was Sherman Hoar. So he was as a boy, so he remained as lawyer and member of the Congress of the United States,—friendly, active, earnest, at times even to roughness, buoyant, yet touched always with the unspeakable sadness of "that something which infects the world." He was close to all conditions of men. The poor and humble people in Concord opened their doors to him without reserve, the strong and prosperous sought for his alliance. He hit hard, he struck against some accepted things, he fought without respect of persons; but he had no enemies. The world was full of friends.

He was by no means a paragon of perfection. It would be no satisfaction to distort the picture by painting out the faults which made his flesh and blood warm and human. Neither cold proprieties nor exaggerations of virtue could replace those frailties to those who knew him.

But, whatever other gifts he had, he had this, one of the greatest, whether of mind, body, or estate,—the gift of nearness to men; and this brought him straight into innermost relations with the needs, the sorrows, and the joys of the world he lived in.

Remarks of James E. Cotter, Esq.

Mr. President and Brethren,— I cordially indorse all that has been said in the resolutions and by the speakers in praise of Sherman Hoar. The President of the United States and the Governor of the Commonwealth have fittingly recognized his service to the country. Eulogies have justly been pronounced from pulpit and platform to his memory.

We, his professional brethren, on this solemn occasion pause from our labor, and reflect upon the duties which we owe to the honored dead, our late brother, the friend of suffering humanity.

At the conclusion of the brief memorial service we will return to the professional contest, like soldiers who go to the front in times of war, and continue our battle till each of us in his turn follows our late brother. It does not belong to us to preach a sermon over the dead, or to take part here in the funeral procession, or to fire guns over his remains. That belongs to the clergy and the military. There is no such service at our command. But from what I know of Sherman Hoar, as I remember him, I believe that, were he among the

living, he would be more pleased at this evidence of the esteem in which he was held by his professional brethren than at what has been said or could be said from any platform or pulpit in the country.

He was a lawyer. He appreciated the opinions and efforts of his brethren at the bar.

As I stand in this place, Mr. President, I recall his manly form, his aggressive, earnest, and sometimes severe utterances in the court-room. Later, as I met him elsewhere, I recall his cordial greeting, his smile, his wit and humor. I saw him with his family, at the conclusion of his service to the country, last summer, when he was taking a short vacation at a seashore resort at the end of Cape Ann. There he was quite unlike the Sherman Hoar whom we saw here, waging a professional battle in this court-room. I recall him most vividly as he appeared on the Sabbath evening last August or September, when he called and spent some time with me at my home by the sea. I can never forget his bright, happy utterances, his anecdotes, the wit and humor which he displayed on that occasion. I now see the twinkle of his eye and his earnest smile as he answered the questions propounded to him by the guests at his hotel, who asked him to explain how it was that he and I were apparently such warm friends after a lengthy contest in which we represented opposing interests.

He made an explanation which I need not repeat here, but in which I concurred.

While enjoying that vacation, he spoke of the public service he had rendered his country, and the suffering soldiers and sailors. One would then appreciate the utterance of the poet, who said,—

> "A nation's greatness depends on men, not acres:
> One master mind is worth a thousand hands."

Inducements had been held out to him to re-enter public life; but he said no, at the end of that vacation it was his intention to resume his professional duties, to apply himself to the work of the lawyer and advocate for years to come. But, alas! before he was permitted to so resume that work, the hand of death was upon him; and he was called to join the great silent majority.

In the death of Sherman Hoar our profession has lost a fearless advocate, the Commonwealth of Massachusetts and the country a gallant soldier and an incorruptible statesman.

Remarks of John T. Wheelwright, Esq.

Mr. President, Brothers of the Bar,— Although the doctrine of State's rights went down, yet all of us, sons of Massachusetts, feel that the soil of this our home State has something more sacred than the great expansive soil of the whole United States, something that comes closer to us; and from this soil of Massachusetts Sherman Hoar sprang. The roots of his life and being went deep down into it. Appearing in this century, he always seemed to me to have something of the bearing and of the enthusiasm of the early fathers, who were not old men, but young men. This ideal character was strangely enough recognized when our friend's face and figure were taken as the model to serve for the statue of that gentle young Puritan, John Harvard. When we walk through the grounds where the good and great walked in their beautiful youth, and look at the statue of John Harvard in the old Delta, we can see there the features of our friend as he was when he first left the University and started into the life in which he was to be such a bright and prominent feature.

And later he may be compared to another Puri-

tan who came over here for only a brief time, Sir Harry Vane,—

> "Vane, young in years, but in sage counsels old,
> Than whom a better senator ne'er held
> The Helm of Rome."

Sherman Hoar represented fitly the Old and the New England. That same energy of character, that same stout love for liberty which led our fathers to fight and to gain not only liberty for themselves, but liberty for the mother country, were the guiding influences of Sherman Hoar's life.

Stevenson says that a gentleman is a man who can get along in his *gens*, or class, not necessarily outside of it. Measured by this remark, Sherman Hoar was far more than a gentleman. In any class, among any people, he was perfectly at his ease; and he set at their ease all those whom he met. This is a most wonderful gift, and it seems to me that it was one of the greatest which were put into his fortunate cradle. And thus he was not only a representative of the Old and the New England, but he was a representative democrat, a true-blooded Yankee; and he kept close to the ideals of his fathers, and the ideals which must necessarily be preserved in order that the republic may stay strong and great.

He was, from one sense of view, a provincial. As I have said, deep down into the soil of Massachusetts went his roots, but the tree which grew soared far above a local soil; and in his love for country, in his love for all humanity, I have never met one who was his equal. And, when I say this, many dear faces which we no longer see on earth arise before me,— the friends with whom he, and those of us who believed with him, fought side by side; men of rare character; men whose entry into public life was at once recognized to mean not a desire for personal honors, but a desire to serve the State as the State must be served, if it is to endure as that great Commonwealth which it has always been. When the State or when the nation lacks the services of men like these, it will have lost its soul.

Perhaps they have not added to the store of human knowledge, but they serve as bright exemplars to those who are to follow; and side by side they will go down into, at least, our local history, to be classed with the gallant youths who fought against the whole power of the British Parliament, and those other gallant youths who went forth from our University and from our Commonwealth to give their lives to their country in the War of the Rebellion.

Remarks of Hon. Charles S. Hamlin.

Mr. President and Brethren of the Bar,— I esteem it a privilege to be able to come here this morning and join in this tribute of respect to the memory of Sherman Hoar. By his ability, his character, and his good citizenship he has justly endeared himself to the community. We shall ever feel his loss, and we shall ever keep his memory green. But, Mr. President, it was not alone the purity of his character, not alone his ability, which has made him so dear to us. Perhaps greater than all was the quality of his citizenship,— the sacrifices he was capable of making, the sacrifices he was called to make of his life for the good of his country.

It has been well said to-day that with his memory we should keep green the memory of three others,—Russell, Andrew, and Butler. When we think of what they did, their character, their citizenship, and when we couple with their names that of Sherman Hoar, where truly can we turn to-day for men of such promise? The younger generation should hold their names sacred, and should strive to emulate them in giving to our common country what they have given.

My acquaintanceship with Sherman Hoar was not purely a professional one nor a political one. It began in Harvard College. I have watched his career for years as a personal friend, I have shared with him the joy of his triumphs, and I have mourned with him in the bitterness of his defeats; but his defeats were simply stepping-stones to greater victories.

I had a good opportunity of following his professional career while he was District Attorney of the United States for this district. Although nominally an officer of the Department of Justice, yet a large part of his work was discharged under the supervision of the United States Treasury. I remember on one occasion the Treasury desired to make a test case, a case involving millions of dollars. There were cases in many other districts of the United States in which the principle of law could be tested; but, on careful consideration, it was decided by the Secretary of the Treasury and the Attorney-General that, of all the district attorneys, the best man to try those cases, to bring out that principle of law, was Sherman Hoar. He threw himself into the work with the enthusiasm, vigor, and ability which were always characteristic of him; and, although in the end he failed, yet his arguments before the Circuit Court and the Circuit Court of Appeals were most able, and his brief was

largely used before the Supreme Court of the United States. He also gave there most valuable assistance to the Attorney-General of the United States. Although, as I have said, ultimately defeated, yet the Supreme Court was equally divided at the first hearing of the case; and there were four dissenting opinions when the decision was finally rendered against the government. I feel that there could not have been a greater compliment paid to Mr. Hoar's ability on that occasion; and he discharged the trust submitted to him as he discharged every trust, in a most able and efficient manner.

His loss is almost an irreparable one, but I feel that he could not have died a more glorious death. He gave to his country all he had,— his services during life, and, finally, his life itself.

He was a faithful husband, a kind father, a wise counsellor, and a good citizen.

Letter from Hon. Charles J. McIntire.

MR. GREENOUGH.— Judge McIntire of the Middlesex bar, who expected to speak here to-day, was unable to be present; and he has asked me to read a letter, which is a short one: —

MIDDLESEX COUNTY,
PROBATE COURT AND COURT OF INSOLVENCY,
EAST CAMBRIDGE, MASS.

December 10, 1898.

To the Committee on Resolutions to be presented to the United States Circuit Court: —

Gentlemen,— Late yesterday I received an invitation from you to say a few words to-day upon the occasion of the presentation to the Court of the resolutions of the bar in memory of Sherman Hoar. It is my sincere wish to be present, but I fear that I shall not be able to complete matters of a previous engagement in time to do so.

My acquaintance with Sherman Hoar began in our Middlesex Courts, very soon after he was admitted to practice, where his frank countenance, and, for a new practitioner, able presentation of

his cases, together, perhaps, with the fact that he belonged to a family distinguished at the bar for three generations, at once attracted attention and favorable comparison from the older practitioners. My acquaintance soon ripened into a valued friendship, which continued down to the time of his death. I was drawn to him by his sincerity, his consideration, his courage, his fairness, his independence, as well as by his ability, good sense, and clear insight of legal principles and distinctions. These qualities, held by him in such full measure, easily account for the multitude of friends which he made during his short career. His genial and kindly nature made him generous and just in his estimate and treatment of others; and it was always a pleasure to listen to his manly, fearless, and honest expressions.

Because of his ability, energy, and courage, his fellow-citizens sent him at the early age of thirty years to represent them in the Congress of the United States, where he so impressed the President that he appointed him to the important office of District Attorney for this judicial district, in which position, notwithstanding his youth, he soon made a reputation for himself as a lawyer equal to that of his predecessors. He held in highest regard his reputation as a lawyer, and I remember how sensitively he felt an unkind criticism when he was

about to receive his appointment from the President.

His patriotism at the breaking out of the recent war led him to lay aside his practice in order to render what service he could to his country. He devoted himself enthusiastically to bettering the condition of our soldiers in camp and hospital; and the energy, zeal, and devotion which he gave to his cause are well known throughout the land. His labors were invaluable, and his memory will always be held in love by the many sick and suffering ones whom he aided and encouraged. In saving their lives, he contracted the disease which deprived him of his own; and so, at the early age of thirty-eight years, he closed a remarkable career.

We shall never look into his genial face or hear his cheerful greeting again, but his noble example and the recollection of his virtues will remain fresh in our memory.

Sincerely yours,

CHARLES J. McINTIRE.

I now move, Mr. President, that this memorial be made a part of the records of the Bar Association, and that copies be presented to the Circuit Court of the United States for the District of Massachusetts and to his family.

THE PRESIDENT.— Gentlemen, you have heard the motion. It is moved that the resolutions be spread upon the records of the Bar Association, that copies be presented to the Circuit Court of the United States and the family of our deceased brother. Those in favor of it will say aye.

And the resolutions were unanimously voted.

CIRCUIT COURT OF THE UNITED STATES.

DISTRICT OF MASSACHUSETTS.

COLT, PUTNAM, BROWN, AND LOWELL, JJ.

This Court came in at 1.05 P.M., and the following proceedings took place: —

Remarks of United States Attorney Boyd B. Jones.

May it please your Honors: —

Twice within the last eighteen months we have assembled here to pay our final tributes of affection and esteem to a departed brother. In each instance the qualities we admired had adorned a long career, and our sorrow for the dead was mingled with thankfulness that he had been spared so many years.

To-day, as we recall the splendid physical and mental vigor of Sherman Hoar, his genial qualities,

his moral worth, his public usefulness, his increasing influence, his resolute will, and his high ambitions, we passionately wonder why he was taken from us at the early age of thirty-eight. Why was this devoted husband and father, this true friend, this capable and accomplished gentleman, this public-spirited citizen, removed in the early stages of a brilliant career from a world in which such men are so few and so sadly needed? And to these questions there is only the old, old answer,— "The Lord giveth, and the Lord taketh away." "Great things doeth he, which we cannot understand."

It is a magnificent thing for a young man to contribute to the glory of an illustrious family. Sherman Hoar was of such a family. Generation after generation it had exercised a strong and beneficent influence on the community and body politic. One of his ancestors was a signer of the Declaration of Independence. Others fought to make that Declaration good.

The great ability and learning of his father had been displayed at the bar, on the bench, and in the President's cabinet. He saw his uncle a statesman to whose utterances a great nation listened with profound attention. His race was lofty in its purposes and great in its achievements, and with its name he inherited its qualities.

He was born on historic soil and educated in

historic institutions. He was one of those described by the poet,—

> "Strong minds, great hearts, true faith and ready hands,
> Men whom the lust of office does not kill,
> Men whom the spoils of office cannot buy,
> Men who possess opinion and a will,
> Men who have honor, men who will not lie."

Mr. Hoar practised at the bar some five years. He then served a term as representative to Congress, after the expiration of which he held the office of United States Attorney for this district from 1893 to 1897.

In the different offices which he held and in the different circumstances he was placed, he was at all times independent, fearless, capable, and conscientious. In his political career he was guided by his own convictions. The party that he believed to represent those convictions received his support for that reason, and only so long as that reason existed.

As we contemplate the closing scenes of his life and recall his vigorous personality, his ardent martial spirit, his love of country, and his intense desire to serve her as a soldier, we feel impelled to say, "Why was it not permitted this man to die in a soldier's uniform upon the field of battle, amid the rattle of the musketry and the roar of the cannon,

with the old flag waving before his eyes and the knowledge of victory in his heart?"

Had he been less of a man and a hero, it might have been. For President McKinley, aware of his qualifications, without solicitation from any one, tendered to him an officer's commission in the military service of the United States during the late war. Only the knowledge that his imperative duty was elsewhere led him to decline it. And, when he did so, he parted, as it were, with his heart's blood.

His life, his death, his character, and his achievements are fully presented in the memorial which has been prepared by the bar.

May it please your Honors, where I now stand but a few short months ago he stood, and in words of ringing eloquence carried with him the hearts and minds of twelve fellow-men to a favorable verdict in one of the most remarkable causes which have ever been tried.

His voice we shall hear no more. Never again will the welcome sound of his footstep greet our ears. Never again will the play of his kindly wit delight our fancy. The joy of his presence has departed from us, and the strength of his fellowship we have lost.

That, when our hearts shall have been stilled by death, there may exist a record of what he was to

us, the bar have prepared this memorial and resolution, and requested me to present it to the Court.

(At this point Mr. Jones read the resolutions passed by the Bar Association.)

And we ask, may it please your Honors, that this memorial may be made a part of the records of the Court.

Remarks of Colt, J.

Our friend, companion, and brother, Sherman Hoar, died at the early age of thirty-eight from disease contracted while ministering to the sick and wounded soldiers. As Senator Lodge justly said:

"He has given his life to his country just as much as if he had fallen on the slopes of San Juan or on the deck of a fighting ship."

Nothing new can be spoken or written of the life, character, and public service of our deceased brother. Rarely does it happen that the death of any man causes such universal and heartfelt sorrow. From the highest officials of the nation, State, and city, from public bodies, from the classic town in which he was born and died, from relief associations, from his professional brethren, from press and pulpit, from all classes of people, high and low, rich and poor, came one common expression of deep and sincere grief. His influence and personality extended far beyond the bounds of his profession. He touched the life of the community in many directions, and he has left behind him a lasting impression and enduring fame.

What were the qualities of mind and heart which were productive of such notable results?

He had ability, restless and untiring energy, combined with a broad, sympathetic, loving nature. He was manly, brave, and strong. He was honorable and true. He was self-sacrificing and charitable. His ideals and purposes were high. He possessed the qualities of leadership. He was frank, genial, hopeful. He had a keen sense of humor. He was generous and just. He had moral courage and strong convictions. He was bold and earnest in the maintenance of what he believed to be right, and in condemnation of what he thought was wrong. Simplicity, sincerity, and directness were marked characteristics. He was conscientious and magnanimous. His feelings were very strong, yet tender, and his nature kind and enthusiastic. He made friends and kept them. He inspired others with confidence by virtue of his personality, sense of right, and strict integrity. He was intense in everything he did, and threw his whole soul into his work. He hated bigotry, cant, and hypocrisy. He was plain-spoken and unconventional. His tastes were democratic, and he recognized no distinction in persons. The poor and humble, rich and powerful, were alike to him. His activity and sympathy extended to whatever benefited the community and his fellow-men. In civil, military, religious, and professional affairs he displayed the same traits of mind and heart. He was a consistent,

liberal-minded Christian. He was governed by a lofty sense of patriotic duty, and his life was the sacrifice he paid. As Mr. Eliot said in his beautiful and touching eulogy, "A noble stock blossoms again into the wondrous flower of self-surrendering heroism." He was the best type of the heroic spirit so recently manifested by the country. He represented the high standard of true American citizenship.

I first became well acquainted with Sherman Hoar when he was appointed District Attorney. To the duties of that office he brought to bear superior capacity, vigilance, and an untiring devotion to the public interests. He was fortunate in the selection of able assistants whose efficient service was more gladly rendered by reason of their personal affection and respect for him. He was well read in the law; and, had his life been spared, he would have risen to very high eminence in his profession. He showed tact and skill in the examination of witnesses. He never resorted to unfair methods. As an advocate at the bar he had few equals. His clearness of statement, logical power, method of arranging and presenting his materials, earnestness, candor, and marked personality favorably impressed the jury. He was always courteous to the bench, and uniformly commanded its respect and esteem. During a long and protracted crimi-

nal trial our relations grew into the warmest friendship. In spite of the controversies and contentions incident to that trial, the opposing senior counsel declares that they were closer and warmer friends at the end of the case than at the beginning.

As a citizen, Mr. Hoar took an active part in everything pertaining to the welfare of the community. His native town bears witness to his untiring efforts on the occasion of her recent anniversary, and to his deep interest in the schools, the militia, and all local affairs. As a public man, he was bold and independent, an indefatigable worker, liberal and progressive. Although but thirty years old when elected to Congress, he at once rose to prominence. He was firm and outspoken in the expression of his opinions on public questions, and he followed his own conscientious convictions and sense of duty wherever they led or however much they might differ from those who were near and dear to him. He loved the common people, and the wage-worker was treated with the same consideration as the highest dignitary. He threw the whole energy of his nature into righting public wrongs, as he conceived them, and adding to the comfort, happiness, and well-being of the great body of the people.

He was a patriot. Perhaps the crowning trait in his character was patriotic self-sacrifice. This

sprang from an inheritance of generations of noble sires, from his broad and intense sympathies, his lofty ideals of life and duty. This love of country was with him a stern reality, to be met by personal sacrifice, cost what it might.

How few of us would have said as he did! —

"I cannot go to the front. I cannot do as I would like to do,— enlist in one of the regiments. But I can do this: I propose to give up my professional avocations, and devote at least one year to the service of my country and her defenders in the only way that is open to me."

He entered into the relief work with all the ardent enthusiasm of his nature. Those who were associated with him testify that he did the work of ten ordinary men. He visited camp and hospital. He saw that proper supplies were purchased and forwarded. Through his efforts a kitchen was opened at Montauk, which daily supplied with proper food and delicacies more than fifteen hundred sick soldiers. By his energy and persistency an order was obtained through the President, securing to each furloughed soldier transportation, money, and rations for his homeward journey. It was due to him that the "Bay State" flew the Red Cross flag on her errand of mercy and succor.

Surely, though stricken down in the midst of his vigorous youth and powers, he accomplished a life-

work. He died for his friends and his country. In the words of another: "His was not an unfinished, but a finished life. It was short,— it might have been shorter, it might have been longer,— but it could not have been more complete."

The resolutions are received; and the Court directs that they be entered on the records, together with a memorandum of these proceedings.

The Court will now stand adjourned.

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